

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 22-13005

Caption: Donald J. Trump, Plaintiff-Appellee, V. United States of America, Defendant-Appellant.	District and Division: Southern District of Florida, West Palm Beach Division Name of Judge: Judge Aileen M. Cannon Nature of Suit: Equity/Fed. R. Crim. P. 41(g) <hr/> Date Complaint Filed: 8/22/2002 District Court Docket Number: 22-cv-81294 <hr/> Date Notice of Appeal Filed: 9/8/2022 <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Juan Antonio Gonzalez Jay Bratt et al.	99 NE 4th St, Miami, FL 950 Penn. Ave. Washington, DC	305-961-9001 juan.antonio.gonzalez@usdoj.gov 202-233-0986
For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Christopher M. Kise James M. Trusty	201 E Park Ave. FL 5 Tallahassee, FL 1717 Penn. Ave. Ste 650, Washington, DC	850-270-0566 202-524-4140

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input checked="" type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input checked="" type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: \$ N/A Amount Sought by Defendant: \$ N/A Awarded: \$ N/A to _____ Injunctions: <input type="checkbox"/> TRO <input checked="" type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☒ Yes ☐ No
 What is the issue you claim is one of First Impression? May a former President bar the government's review of records seized under a valid search warrant based on executive privilege?
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No
 If Yes, provide
 (a) Case Name/Statute Nixon v. Administrator of General Servs.; United States v. Nixon; Richey v. Smith
 (b) Citation 433 U.S. 425 (1977); , 418 U.S. 683 (1974); , 515 F.2d 1239 (5th Cir. 1975)
 (c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
 (a) Arises from substantially the same case or controversy as this appeal? ☒ Yes ☐ No
 (b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
 If Yes, provide
 (a) Case Name In re Sealed Search Warrant
 (b) Citation N/A
 (c) Docket Number if unreported 22-mj-8332-BER
 (d) Court or Agency Southern District of Florida (this docket number relates to the issuance of the search warrant that prompted Plaintiff's civil action)
- (4) Will this appeal involve a conflict of law
 (a) Within the Eleventh Circuit? ☐ Yes ☒ No
 (b) Among circuits? ☐ Yes ☒ No
 If Yes, explain briefly:
- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:
 (1) Whether the district court erred by exercising jurisdiction over Plaintiff's motion seeking an injunction and appointment of a special master to review Plaintiff's potential claims of privilege, including executive privilege, as to records seized under a judicially authorized search warrant?
 (2) Whether the district court erred by granting a preliminary injunction and appointing a special master to conduct the requested privilege review?

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 26th DAY OF September, 2022.

Juan Antonio Gonzalez

NAME OF COUNSEL (Print)

/s/ Juan Antonio Gonzalez

SIGNATURE OF COUNSEL